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INFO RUCNAFG/AFGHANISTAN COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KABUL 000097

SIPDIS

E.O. 12958: DECL: 01/11/2020

TAGS: PGOV UNSC AF

SUBJECT: COORDINATING UN AND UK VIEWS ON AFGHAN ELECTIONS

REF: STATE 2082

Classified By: Ambassador Karl Eikenberry, Reason 1.4 (b) and (d)

¶1. (C) Summary: The Embassy has begun discussions with the GIRoA and coordination with UN and UK on policies regarding the 2010 Parliamentary elections. The UN and UK are essentially in line with U.S. views, and the UN plans to lead the dialogue with the GIRoA on a reform agenda. Some differences do exist in discussions of tactics, and the UK (with elections projected for May 6) is taking a harder line to push for Karzai to announce a delay and real reforms by the London Conference. The UN believes that Karzai is unlikely to be ready to announce delaying elections and announcing reforms that quickly. We recommend that the U.S. policy approach be to encourage Karzai to use London to preview an "operational" delay based on reasons of security and to announce reforms. End Summary.

Clarifying our Position With Karzai

¶2. (C) Following a CODEL visit January 9, Ambassador Eikenberry held a one-on-one with President Karzai to clarify U.S. views on the elections. Karzai, who now talks about the 2009 elections as having a "nullified" first round, stated that Washington must understand the importance of timely elections. Eikenberry told him that we understood his perspective and that we were aware of "confusion" over a UN paper which allegedly gave a 2011 timetable for elections. This was a confusion of the international community's intention, Eikenberry said. To achieve our mutual goals in a variety of areas there is a heavy legislative agenda ahead; it therefore is in our mutual interest that Parliament's legitimacy be unquestioned.

¶3. (C) That said, Eikenberry noted, the U.S. has two concerns: the timing as it relates to security, which was a topic which the COMISAF and Minister of Defense should address. As the President himself had noted in recent trip to Helmand, Eikenberry said, there is a tremendous potential for more areas to be secured and more people to be able to vote, as operations continue. The second concern is one of reform, he noted. Democracy and the conduct of elections in Afghanistan must be improved over time; 2009 was not perfect and the next election should reflect lessons we have learned. Eikenberry suggested that rather than create lists which seem like demands we should sit down together and work through ideas of reform collaboratively. Karzai agreed to consider this approach.

Coordination: UNAMA is Back

¶3. (C) UNSRSG Eide, who returned from the United States January 9, met with Ambassador Eikenberry and UK Ambassador Mark Sedwill January 10 to discuss a coordinated position on the 2010 election dates and reforms. Eide told us that Minister of Finance Zakhilwal had asked him for a two-page

paper on reforms, which he would then use to work up an internal GIRoA position -- Eide said Zakhilwal had said "let me handle the President" on this. (Note: Zakhilwal, who has a good track record of selling difficult positions to Karzai, is particularly motivated to get Western donor support for the elections because he reportedly has exaggerated to Karzai the ability of the GIRoA to pay for elections without outside help. End note.) Ambassador Eikenberry noted that ISAF and the Ministry of Defense, working together, could best make any security arguments in favor of a postponement.

¶ 14. (C) Eide convened Kabul-based Ambassadors January 11 but his focus primarily was the London Conference (septel), and only tangentially elections. He told us beforehand that he did not want to have a wide discussion on the topic because of his concern that, as in the past, some nations will report back to Karzai of the "international conspiracy" to interfere. His plan is to establish a position based on separate consultations with key nations. He noted the need to "push gently" on anything having to do with elections in view of Karzai's hyper-sensitivity; Eikenberry agreed that using Zakhilwal or Education Minister Faruk Wardak helps get Karzai to see our point of view.

¶ 15. (C) Eide noted January 10 that Zakhilwal told him he knew that IEC Chairman Ludin "has to go" but there is little clarity on what reforms are truly possible in the short timeframe now underway. Eide confirmed his understanding that the IEC is not able to draw on UNDP funds left over from 2009 without the explicit permission of donors. He said that in his view, UNAMA did not need a new UNSCR to have a mandate to support the elections, but it would need a request from

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President Karzai (which he has not received) which could be put into the form of an exchange of letters between Afghanistan and UN Secretary General Ban.

¶ 16. (C) In a pull-aside with Ambassador Eikenberry after the January 11 meeting, at which Eide had raised the logistical, reform, security and funding issues of the elections, Eide disclosed that he had told Karzai earlier that morning that a May election date was "unrealistic" and that he believes the IEC would agree with that assessment. He noted that Karzai took his message well and seemed to accept the necessity of a delay, but would not speculate on how long such a delay should be. Eide said he informed Karzai that Minister of Defense Wardak and National Security Advisor Rassoul would likely urge a postponement of elections due to security concerns. Eide and Eikenberry concurred that they want the decision to come from the GIRoA and discussed an announcement made at a gathering of key security ministers with international representatives present.

What Happens in London?

¶ 17. (C) Whether a plan for postponement and reforms could come together before the London conference is very unlikely, according to Eide, who predicted that Karzai would not be ready to announce a delay that soon. Eide said that a key London goal would be for Karzai not to recommit to the May 22 date. Ambassador Sedwill countered this saying that they hoped that he would announce a postponement ahead of the conference but if not, he at least needs to say something about reforms when he is there and give "a clear sense of direction".

¶ 18. (C) The political reality, Sedwill said, is that "no UK troops can be killed" defending Afghan elections that are just as problematic as 2009 -- and "so-called reforms that just make fraud easier" (such as stripping the ECC of international actors without institutionalizing its oversight functions) might even elicit public UK condemnation. He said that since we are "conceding" 2010 instead of 2011 we should

negotiate for Karzai's acquiescence on our reform aims. Eikenberry noted that our goal was a consensus in London on Parliamentary elections in 2010 but with agreement on an "operational" delay, and for Karzai to agree to key reforms.

List of Proposed Reforms

¶9. (SBU) As shared with the UK and UN (and emailed to SCA/A) our preliminary list of proposed reform actions, which were compiled with reference to international and domestic observer reports on failings of the 2009 elections:

Short-term (i.e., theoretically possible before elections in 2010):

¶A. The IEC Structure Law amended, passed, and gazetted (or Presidential Decree):

--Article 5 (1) to read that the Commissioners are appointed by the President but approved by Parliament. Article 5(2) to read that the Chairperson of the Commission shall be elected from among the Commissioners themselves.

¶B. All IEC Commissioners replaced, based on this amended IEC Structural Law

¶C. The Electoral Law must be amended:

--Article 4 should be re-written to eliminate the SNTV system. (Note: this may be too difficult for the short term.)

--Article 35 (2) (c) should be re-written to require increases in constituent nominations for candidates (i.e., 2000 signatures vice 300 for Parliamentary candidates)

--The relationship between the IEC and ECC must be much more clearly codified throughout the Electoral Law to make clear which body is in charge of what and which has the lead on what issue.

--The ECC should be institutionalized and made a permanent body with clearly delineated powers and implementation mechanisms in the Electoral law.

--The Electoral Law should impose a deadline for the IEC to declare the locations of all polling centers, to ensure timely information to voters, observers, and party and candidate agents. On the basis of this regulation, the IEC should also adopt, before an established deadline, a list of all polling stations and centers.

¶D. The IEC and Demobilization and Reconciliation Commission (DRC) should enforce vetting requirements with impartial implementation of due process and objective criteria. Any submission of information from the Office of the Attorney

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General to the DRC on current criminal activities of candidate applicants should be considered.

¶E. IEC or other key government officials should be referred to the Attorney General's office for expedited investigations of 2009 voter fraud allegations.

Long-term (not possible by 2010):

¶A. A civil registry with a national ID card should be created.

¶B. Boundaries for districts and Villages should be established to enable the eventual holding of District Council and Village Council elections.

EIKENBERRY